

IN THE DRAWINGS

Please replace the drawings on file with the attached drawings.

REMARKS

Claims 1-15 remain pending in this application.

**Objection to the Drawings**

The drawings have been objected to for failing to show the necessary descriptive legends. The drawings have been amended in accordance with the comments of the Examiner to include the necessary descriptive legends. Amended drawings are being submitted with this response. It is respectfully submitted that the amendments to the drawings add no new matter to this application. In view of the amendments to the drawings it is respectfully submitted that this objection is satisfied and should be withdrawn.

**Rejection of Claims 1-4 and 6-10 under 35 U.S.C. 102(e)**

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Oya (U.S. Patent No. 6,421,098 B1).

The present claimed invention provides a video apparatus comprising a receiver for converting an RF signal into a video signal. The video apparatus also comprises a processing means that receives the video signal and outputs an encoded stream based on the video signal. The video apparatus includes an indicator of a characteristic of the RF signal. The video apparatus further includes a control means for adjusting the processing means based on the indicator.

Oya describes a method and apparatus for receiving digital television signals. Oya relates to a digital television signal receiving apparatus in which optimal automatic gain control (AGC) points are individually set for a terrestrial digital television signal and a

cable television (CATV) digital signal by switching the AGC points according to the type of input digital television signal (column 1, lines 7-17).

Unlike the present claimed invention, which adjusts processing of a video signal depending on the received RF signal, Oya is concerned with optimizing receipt of the RF signal itself. Specifically, Oya describes setting optimal AGC points for both a terrestrial signal and a CATV signal (column 2, lines 66-67 to column 3, line 2). However, Oya is not concerned with improving an encoded stream by adjusting the processing depending on the received RF signal as in the present claimed invention. In fact, Oya only describes an “apparatus for receiving digital television signals” (column 1, lines 7-8; column 3, lines 3-11) but does NOT mention or suggest “outputting an encoded stream” after the signal has been received as disclosed in the present claimed invention. The Office Action suggests that the digital demodulator 16 provides a processing means that receives the video signal and outputs an encoded stream based on the video signal (Office Action, page 3). Applicant respectfully disagrees. The digital demodulator of Oya “demodulates the input signal into an image signal” but does NOT output an encoded stream based on the video signal as in the processing means of present claimed invention. Demodulation, removing modulation from an analog signal, is **not** the same as encoding, which is the process of transforming information from one format into another. Thus, Oya neither discloses nor suggests “processing means receiving the video signal and outputting an **encoded** stream based on the video signal” as recited in claim 1 of the present invention.

The Office Action further contends that the IF AGC amplifier 14 of Oya acts as the claimed control means for adjusting the processing means based in the indicator (Office Action, page 3). Applicant respectfully disagrees. First, as per the discussion above, the digital demodulator 16 is not equivalent to the processing means of the present claimed invention. Even if the digital demodulator was equivalent to the processing means of the present claimed invention, the IF AGC amplifier 14 of Oya does NOT adjust the digital demodulator 16 as does the control means of the present claimed invention, which adjusts the processing means based on the indicator. In fact, the opposite situation is present in Oya – the IF AGC amplifier is adjusted by a signal from

the digital demodulator (column 4, lines 27-29). Thus, Oya neither discloses nor suggests “control means for adjusting the processing means based on the indicator” as recited in claim 1 of the present invention.

Therefore, as Oya fails to provide a 35 USC 112 compliant enabling disclosure of each feature in claim 1, Oya does not anticipate the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 1 under 35 USC 102(e) be withdrawn.

Claim 2 is dependent on claim 1 and is considered patentable for the reasons presented above with regard to claim 1. Claim 2 is also considered patentable for the following reasons.

The Office Action asserts that the IF AGC amplifier 14 of Oya is an “adjustable filter” of the digital demodulator 16. Applicant respectfully disagrees. First, as per the discussion above, the digital demodulator 16 is not equivalent to the “processing means” of the present claimed invention. Even if the digital demodulator was equivalent to the processing means of the present claimed invention, the IF AGC amplifier 14 of Oya does NOT adjust the digital demodulator 16 as does the control means of the present claimed invention, which adjusts the processing means based on the indicator. In fact, the opposite situation is present – the IF AGC amplifier is adjusted by a signal from the digital demodulator (column 4, lines 27-29). Thus, Oya neither discloses nor suggests “means for adjusting the adjustable filter based on the indicator” as recited in claim 2 of the present invention.

Claim 3 is dependent on claims 1 and 2 and is considered patentable for the reasons presented above with regard to claims 1 and 2. Claim 3 is also considered patentable for the following reasons.

Oya describes that the digital demodulator 16 outputs a digital output signal and NOT an analog signal because its input is digital (column 4, lines 30-36). Furthermore,

digital demodulator 16 does not convert an analog signal into a digital stream because both possible input signals (the digital television signal via antenna 11 and the CATV digital signal via tuner 12) are digital signals (see column 3, lines 64-66). Thus, Oya neither discloses nor suggests “the receiver outputs the video signal as an analogue signal and wherein a video decoder converts the analogue signal into a digital stream” as recited in claim 3 of the present invention.

Claim 4 is dependent on claims 1-3 and is considered patentable for the reasons presented above with regard to claims 1-3. Claim 4 is also considered patentable for the following reasons.

The Office Action asserts that “wherein the video decoder comprises the adjustable filter is met by the digital demodulator 16” of Oya (Office Action, page 4). However, nowhere in the cited reference (Fig. 3; column 4, lines 9-50) is there any indication that the digital demodulator 16 might comprise an adjustable filter. The digital demodulator only “demodulates the input digital signal into an image signal and outputs it to a subsequent circuit...[and] also outputs the IF AGC signal to the IF AGC amplifier” (column 4, lines 32-36). Thus, Oya neither discloses nor suggests “the video decoder comprises the adjustable filter” as recited in claim 4 of the present invention.

Claims 6-10 are dependent on claim 1 and are considered patentable for the reasons presented above with regard to claim 1. Consequently it is respectfully requested that the rejection of claims 6-10 under 35 USC 102(e) be withdrawn.

In view of the above remarks it is respectfully submitted that Oya provides no 35 USC 112 compliant enabling disclosure that anticipates the present invention as claimed in claims 1-4 and 6-10. As claims 2-4 and 6-10 are dependent on claim 1, it is respectfully submitted that claims 2-4 and 6-10 are similarly not anticipated by Oya.

**Rejection of Claims 5 and 11-15 under 35 U.S.C. 103(a)**

Claims 5 and 11-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Oya (U.S. Patent No. 6,421,098 B1) in view of Krishnamurthy et al. (U.S. No. 5,508,748).

Krishnamurthy describes a data level selection system for a multilevel vestigial sideband digital data transmission and reception system. The system provides a simplified level selection system for transmission and reception of a digital information signal having a variable data constellation (column 2, line 20-26).

Claim 5 is dependent on independent claim 1. Claim 5 recites a video apparatus according to claim 1 wherein the processing means includes an encoder. The encoder has an adjustable encoding bit-rate. The control means further includes a means for adjusting the encoding bit-rate based on the indicator.

Krishnamurthy relates to a digital data transmission system having a data frame structure and circuit arrangement selected to facilitate receiver operations and NOT **encoding** operations (see column 1, lines 29-32). These receiver operations include symbol to byte conversion, deinterleaving and forward error correction and a data rate that is related to the signal to noise ratio (S/N ratio) of the transmission environment for enhancing system capacity (column 1, lines 32-36). However, the data transmission system in Krishnamurthy is wholly unlike the present claimed invention because it does not relate to facilitating encoding operations including “means for adjusting the encoding bit-rate based on the indicator”. As is commonly known in the art, bit-rate is the number of bits used per unit of time to represent a continuous medium such as video after source coding (data compression). Krishnamurthy is totally unrelated to digital multimedia encoding and does not mention encoding bit-rate at all. Thus, Krishnamurthy neither discloses nor suggests “an encoder having an adjustable encoding bit-rate and wherein the control means includes means for adjusting the encoding bit-rate based on the indicator” as recited in claim 5 of the present invention.

If Krishnamurthy were combined with Oya, the resulting system would contain a digital television signal receiving apparatus in which optimal automatic gain control (AGC) points are individually set for different digital signals by switching the AGC points according to the type of input digital television signal along with a simplified level selection system for transmission and reception of a digital information signal having a variable data constellation. This system would only relate to receiving digital signals but NOT to adjusting the **encoding** of digital signals, as neither Krishnamurthy nor Oya address the problem of adjusting the processing means (encoder) based on the indicator of a characteristic of the RF signal as described in claim 1 of the present invention. Thus, the combined system of Krishnamurthy and Oya would neither disclose nor suggest “an encoder having an adjustable encoding bit-rate and wherein the control means includes means for adjusting the encoding bit-rate based on the indicator” as recited in claim 5 of the present invention.

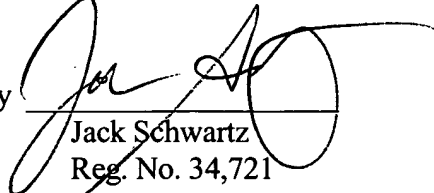
Claims 11-15 are dependent on claims 1 and 5 and are considered patentable for the reasons presented above with regard to claims 1 and 5. Consequently it is respectfully requested that the rejection of claims 11-15 under 35 USC 103(a) be withdrawn.

In view of the above remarks it is respectfully submitted that Oya and Krishnamurthy, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that anticipates the present invention as claimed in claim 5. As claims 11-15 are dependent on claims 1 and 5, it is respectfully submitted that claims 11-15 are similarly not anticipated by Oya and Krishnamurthy, when taken alone or in combination. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

Should the Examiner feel that anything further is necessary to place this application in condition for allowance he is respectfully requested to contact applicants attorney at the telephone number listed below.

No other fee is believed due. However, if an additional fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,  
Frank Dumont

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